

Staff Report

TIMBER HARVEST DIVISION REGULATORY COORDINATION

Introduction

Land uses associated with timber production combined with abundant water resources has led to the North Coast Regional Water Quality Control Board (Regional Water Board) being active in regulating discharges from logging, construction and associated activities since 1972. The North Coast Region includes 12 percent of the State's land area, yet produces 40 percent of the State's total runoff and includes approximately 45 percent of the private timber harvested within the State. The extensive timber harvesting in watersheds supporting abundant stream resources has a direct influence on water quality and beneficial uses of water throughout the North Coast Region. The role of the Regional Water Board has also been shaped over the years by court actions, legislative changes, and availability of staffing resources.

Regional Water Board Legal Authority

The Porter-Cologne Water Quality Control Act (Division 7, California Water Code) requires each Regional Water Board to formulate and adopt water quality control plans for all areas within a region. This Regional Water Board adopted and has periodically updated the Water Quality Control Plan for the North Coast Region (Basin Plan). The Basin Plan:

- 1) Identifies beneficial uses (e.g., domestic, municipal, agricultural, and industrial supply; preservation and enhancement of fish, wildlife, and other aquatic resources or preserves; recreation; aesthetic enjoyment) of the waters of the State within the Region;
- 2) Sets forth the water quality objectives, prohibitions and other requirements which are needed to prevent degradation of these beneficial uses (WC 13240 and 13241); and
- 3) Incorporates implementation plans to ensure achievement of the objectives (WC 13242).

The designated beneficial uses and related water quality objectives together comprise the State's water quality standards. Once the United States Environmental Protection Agency (US EPA) approves these water quality standards they also become federal standards.

The water quality standards are enforced through the California Water Code provisions related to control and/or abatement of discharges which could violate the standards. Attachment A sets out the most common remedies available under the Code for addressing water quality concerns.

Establishment of Timber Harvest Review Teams

In 1975, the courts and the Attorney General found that CDF's approval of timber harvest plans (THPs) were subject to the requirements of the California Environmental Quality Act (CEQA), thus requiring analysis of environmental impacts of proposed timber harvest activities in an environmental document (typically, in environmental impact reports, or EIRs). These events caused California's Resources Agency to issue emergency regulations which established the current timber harvest plan review team process (14 CCR 1037.5) and certified it as functionally equivalent to the EIR process [14 CCR 15251(a)]. The Regional Water Board staff is identified as members of the interdisciplinary CDF Review Team.

The timber harvest review team membership is composed of representatives of the California Department of Forestry (CDF), Department of Fish and Game (DFG), Division of Mines and Geology (DMG) and the Regional Water Board. Other agencies may participate in the review team, including the Department of Parks and Recreation, National Park Service, and County Planning Departments. The CDF is the lead agency and makes the final decisions on the logging procedures included in the THPs. The other agencies are limited strictly to advisory roles. As set forth in Forest Practice Rule 1037.5, the function of the review team is “to assist the [CDF] Director in determining if [THPs] are in conformance with [the Board of Forestry] rules and to evaluate the potential environmental impacts of timber operations.”

Our participation in the review team process is important for the review, identification, and mitigation of potentially significant environmental impacts, especially water quality impacts, from THPs. Moreover, the Regional Water Board’s participation as part of the review team fulfills a component of CDF’s EIR functional equivalent process for review and approval of THPs. The review team process results in a record of decision for approval of THPs. Figure 1 diagrams the review team process, which is also described in Attachment B. The time frame for processing plans can be quite short, and this schedule is provided in Attachment C.

Management Agency Approach

Pursuant to the Clean Water Act Section 208, the State Water Resources Control Board has adopted a management agency approach for controlling discharges from timber harvest activities to waters of the State. The Regional Water Board, CDF and the Board of Forestry (BOF) have the direct authority, responsibility, staffing resources and expertise to require that land use practices on timber harvest plans are implemented, enforced and evaluated. Under the Management Agency approach, the State and Regional Water Boards have much to gain by obtaining the commitment and cooperation of CDF and the BOF to act as our partners in controlling discharges of waste from timber operations which they directly regulate. These benefits include:

1. Streamlining the regulatory process by avoiding duplicative regulatory requirements
2. Providing formal recognition to the programs of CDF and BOF as being part of the State’s nonpoint source program for controlling pollution and protecting the quality and beneficial uses of the State’s waters.
3. Reducing the level of resources needed by State and Regional Water Boards in controlling discharges from timber operations.
4. Minimizing the expense to the public for review of THPs.

On January 21, 1988, the State Water Board approved a Management Agency Agreement (MAA) that designates the BOF and the CDF as joint management agencies for timber operations on nonfederal lands within the State. The MAA further certified that certain provisions of the Forest Practice Rules and the process by which the Rules are promulgated and

implemented are BMPs pursuant to Clean Water Act, Section 208 Water Quality Management Plan (WQM Plan). A copy of the MAA is included as Attachment D.

The MAA sets forth the mutual desire of the SWRCB, BOF and CDF to:

1. Achieve the goals of the Clean Water Act, the State Porter-Cologne Water Quality Control Act, the State Z'Berg-Nejedly Forest Practice Act by restoring, enhancing, and maintaining the quality and beneficial uses of the State's waters.
2. Achieve the water quality objectives set forth in applicable Basin Plans of the State.
3. Minimize duplication of effort and establish complementary resource protection programs.
4. Assure protection of the quality and beneficial uses of the State's waters through the development and implementation of best management practices (BMPs).

In this MAA, the State Water Board agreed that if US EPA approved the Section 208 WQM Plan, then the State Water Board would direct the Regional Water Boards to cease issuance of Waste Discharge Requirements for discharges from logging operations on nonfederal lands, except under special circumstances as provided by Section 4514.3 of the Forest Practice Act.

Public Resources Code Section 4514.3 states:

“4514.3. Exemption from waste discharge requirements; conditions.

- (a) Timber operations conducted pursuant to this chapter are exempt from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code; provided, that there is a certification by the federal Environmental Protection Agency that the provisions of this chapter constitute best management practices for silviculture pursuant to Section 208 of the Federal Water Pollution Control Act.
- (b) The exemption contained in subdivision (a) shall not apply when any of the following occurs:
 - (1) The board [Board of Forestry] requests issuance of waste discharge requirements.
 - (2) There has been a finding by the State Water Resources Control Board that the board has failed to maintain a water quality regulatory process consistent with the certification required under subdivision (a).
 - (3) After monitoring the water quality impacts from timber operations conducted in compliance with this chapter, there has been a finding by the State Water Resources Control Board that compliance with best management practices would result in less water quality protection than required in water quality control plans approved pursuant to Section 13245 of the Water Code.”

Although the SWRCB has acted to certify BMPs, USEPA has not certified the relevant provisions of Forest Practice Rules as BMPs. The major remaining items for the BOF to develop

pursuant to the MAA to satisfy USEPA are the BMP monitoring program and a Memorandum of Understanding (MOU) between the CDF and the State and Regional Water Boards.

In implementing the MAA, the Regional Water Board has waived the issuance of waste discharge requirements where CDF has approved timber harvest plans and the plans are in compliance with the Basin Plan. The Regional Water Board has not adopted waste discharge requirements for timber harvesting activities since 1978.

Nonpoint Source Control Strategy

The State and Regional Water Boards has a three-tiered process for controlling nonpoint source pollution. In the first tier, where we have a MAA, the Regional Water Board staff participates with CDF and BOF in the timber harvest plan review team process to implement management practices for the protection of water quality. Such participation is in lieu of taking regulatory action under our own water code authority. Where water quality problems are caused by timber harvest operations, staff seeks to exhaust the remedies available through CDF and/or BOF before taking regulatory action under the authority of the water code.

In the second tier, where management practices prescribed under the timber harvest review team process may not be protective of water quality, the Regional Water Board staff can require the discharger to submit technical and/or monitoring reports which the discharger will use to control nonpoint source pollution.

Where implementation of the second tier does not achieve compliance with the Water Quality Control Plan, the third tier may be implemented. Under this tier, the Regional Water Board regulates the activity that is generating nonpoint source pollution directly under the authority of the Water Code.

Not all non-point source pollution issues are addressed through the MAA. Additional non-point source controls are applied to pollution sources which are not covered by the MAA, and include sediment discharges that fall outside the scope of the Timber Harvest Plan review process. On timberlands, these sources often are rural residential roads, stream crossings, landslides, and similar features where no current timber harvest plan could be used to address existing or potential basin plan violations. The additional non-point source controls used by the Regional Water Board first include a cooperative approach designed to achieve the necessary mitigation. If unsuccessful, and the discharge or potential discharge is significant, then actions as described in Attachment A could be used to achieve compliance with water quality standards. These actions are similar to a combination of the second and third tier contained in the MAA.

Timber Harvest Division Staffing

The level of Regional Water Board participation in the timber harvest review process has changed considerably in the last four years. With the adoption of the MAA in 1988, staff was funded at 3.8 staff years until July 1998. At that time, the Legislature increased staffing by 4.5 staff years for a total of 8.3 staff years. In July 1999, the Regional Water Board received a budget augmentation of 19 staff years consistent with the Headwaters Agreement and designed to enhance enforcement of water quality standards throughout the North Coast. The budget

augmentation approved by the Legislature contained direction to focus approximately 8 staff years solely on the water quality issues in overseeing the Habitat Conservation Plan (HCP) for the Pacific Lumber Company. The increase in staff resources since 1998 has led to greater participation in the Review Team process and increased evaluation of the adequacy of the MAA. Further, additional inspectors in the field now document a larger number of threats to water quality than in prior years when staffing was quite limited.

THP Review Activity

Table 1 summarizes the number of THPs received and number of inspections, non-concurrences, and head of agency appeals (these latter two items are discussed later in this report) during the calendar years 1996, 1998, 2000 and the first half of 2001. The data indicates a sharp increase in number of inspections of THPs in recent years in comparison to the calendar year 1996. This increase is due to the increase number of staff from 3.8 staff years in 1996 to 20 field staff in 2001. There is a total of five requests for head of agency appeal submitted to the State Water Board in the last two years. One appeal resulted in a negotiated settlement with the THP submitter and the remaining four were not filed with the Board of Forestry.

Table 1: THPs Submitted, Reviewed and Inspected

Table 1. Workload Summary for Past 5 Years.				
	1996	1998	2000	2001 (first 1/2)
Total Staffing	3.8	8.3	27.3	27.3
Plans Reviewed	750 ¹	431 ¹	570	241
Inspections	110	50	407	250
Non-Concurrences	3	3	8	9
Head Of Agency Appeals	0	0	1 ²	4 ²

The increased staff presence in the field has led to increased recommendations for mitigation to protect water quality. Table 2, below, illustrates the number and type of mitigation measures Regional Water Board staff are submitting during the THP review process. Plan amendments of existing THPs are also included where these plans are passed through the Review Team. The top mitigation measures are the long-term concerns of the Regional Water Board. Existing roads and road construction are a major source of sediment that may cause impairment of the beneficial uses of water quality. Accordingly, roadway mitigation measures are one of the top categories for recommended mitigation measures.

Table 2: Recommended Mitigation Measures						
Mitigations Related to features/activities:	2000			1 st Half 2001		
	THPs	Amend-ments	Totals	THPs	Amend-ments	Totals

¹ Represents total number of plans submitted

² HOAA submitted to SWRCB

Roadways	247	13	260	86	5	91
Erosion Control	221	12	233	82	5	87
Watercourse Protection	188	10	198	66	2	68
Landslide	126	4	130	42	0	42
Wet Weather	96	4	100	35	1	36
Watercourse Classification	91	8	99	41	2	43
Canopy Retention	87	0	87	31	1	32
Streambank Protection	69	4	73	22	1	23
Site Preparation	66	2	68	20	0	20
Other	63	4	67	24	3	27
Buffer Width	52	1	53	30	1	31
Silviculture	45	1	46	19	1	20
Large Woody Debris	42	0	42	20	1	21
Monitoring	24	0	24	14	0	14
Pre-existing Discharges	20	1	21	13	0	13

As the lead agency, CDF makes the decision of which recommendations are included in the final THP. For each THP, Regional Water Board staff may suggest a few or many recommendations depending on the THP, whether staff attended the PHI, proximity of watercourses, the silviculture prescriptions, etc. It is often difficult to track individual recommendations, specifically whether a particular recommendation was accepted as written, modified through negotiations, or not accepted.

If staff recommendations are not accepted and the activities under the THP, as written, threatens to violate the Basin Plan, the Regional Water Board does have some remedies. Most notably is the filing of a non-concurrence. A non-concurrence basically states that the Regional Water Board staff does not concur with CDF Review Team Chairman's decision that the THP will not result in significant environmental impacts. The non-concurrence must state the reasons for the non-concurrence along with supporting documentation.

The MAA identified the need to improve CDF's interagency THP review procedures, and Regional Water Board staff have expressed continuing frustration with the THP process. Development of appropriate conflict resolution procedures has been made a condition of USEPA approval of the MAA. Since the MAA was adopted, the Forest Practice Act (PRC 4582.9) and Forest Practice Rules (CCR 1056) was amended to authorize head of agency appeals as one method of interagency conflict resolution.

Interagency Conflict Regarding Water Quality Issues on THPs

We estimate that Regional Water Board staff recommendations are accepted by CDF on 85% of the THPs reviewed. Approximately 10% of our recommendations are partially accepted and about 5% of our recommendations are not accepted. During the past 18 months, staff have identified several procedural sources of conflict during the review of THPs. These are:

1. Variations among CDF Ranger Units offices result in inconsistent interpretations of the Forest Practice Rules. In certain Ranger Units and Forest Districts, implementation and enforcement of Rules which are meant to protect water quality is poor. Conversely, timber operations in other areas must bear the cost of full compliance, putting them at a competitive disadvantage.
2. Frequently, CDF accepts THPs for filing that are found to be ambiguous and poorly written (containing unenforceable language). This causes the time-consuming “fixing” of THPs by the involved agencies to ensure compliance with the FPRs, the Basin Plan, and other regulations.
3. Occasionally, the CDF inspector fails to fully address the Regional Water Board representative’s concerns or questions during the preharvest inspection.
4. Each THP must contain an assessment of cumulative watershed effects (CWEs), but CDF has not specified an assessment methodology. CDF has no meaningful criteria regarding the substantive acceptability of a CWE assessment. This frequently results in acceptance of inadequate “boilerplate” assessments. Little or no independent analysis is done of such assessments, even in watersheds which have been or are being heavily logged and are listed as impaired for sediment under Section 303(d) of the Clean Water Act and have adopted TMDLs.
5. The CDF decision-maker sometimes consults with the THP submitter and/or RPF following the end of public review period but excludes Review Team agencies from such communication. Based on such consultation, the CDF decision maker sometimes changes or omits the THP water quality recommendations of the Review Team without consulting the Regional Water Board staff.
6. CDF has refused to include water quality monitoring of timber operations located upstream of domestic water supplies even though the Forest Practice Rules provide for such monitoring to occur (14 CCR 916.10).
7. The FPRs do not fully address how timber operations will be modified to reduce pollutants identified by 303(d) listed waterbodies and have TMDLs adopted by EPA.

A primary issue is that CDF occasionally approves THPs even though Regional Water Board staff find that the project has a high risk to violate water quality standards (i.e. 20% increase in turbidity). However, the Water Code requires that the review and approval process achieve compliance with the Water Quality Control Plan requirements (WC 13247). Also, Section 898.2(h) of the Forest Practice Rules requires the Director of CDF to disapprove a THP if implementation of the plan as proposed would cause a violation of any requirement of an applicable water quality control plan. It often is not clear whether CDF disagrees with Regional Water Board staff’s professional opinions, or if CDF has a different interpretation of the water quality standards.

Existing Interagency Conflict Resolution Procedures

Non-concurrence

The FPRs set forth two procedural ways of addressing these conflicts: non-concurrences (14 CCR 1037.5(e)) and head-of-agency appeals (14 CCR 1056). Non-concurrences are designed to disclose (but not resolve) conflicts between a Review Team Agency and the CDF Review Team Chairman. However, successful resolution at this level may obviate the need for a head-of-agency appeal. Where Regional Water Board staff does not concur with the CDF Review Team Chairman's recommendations, the staff may, within five calendar days of the final Review Team meeting, and before the end of the public comment period, submit a non-concurrence to the CDF decision-maker. The non-concurrence must state the specific reasons why the CDF Review Team Chairman's recommendations do not provide adequate water quality protection, recommended measures of action which the CDF decision-maker should take to remedy the asserted problem, and provide supporting documentation, explanation and justification. The CDF decision-maker cannot consider any non-concurrences submitted after the end of the public comment period.

The effectiveness of the non-concurrence process is limited by: (1) the short time available to prepare and submit a non-concurrence, and (2) the nature and timing of the response from the CDF Review Team Chairman. As shown by Attachment C, there is not sufficient time to allow Regional Water Board members to approve a non-concurrence. Often, Regional Water Board staff is rushed to prepare and submit a non-concurrence in time for it to be considered by the CDF decision-maker. The FPRs require that a CDF Review Team Chairman prepare a written report responding to each Regional Water Board non-concurrence, explaining how concerns cited in the non-concurrence have been addressed in the THP and how water quality will be protected during timber operations [14CCTR 1037.5(e)]. The FPRs do not require that the reports provide a substantive and reasoned response to Regional Water Board concerns, and the reports often do not respond to our concerns. Also, the FPRs establish no time frame for preparation and circulation of such reports. Despite the FPRs' requirements, a response report is sometimes not prepared until the THP is approved. This can affect the Regional Water Board's ability and choices in determining whether to request a head-of-agency appeal.

Head-of-Agency Appeal

The head-of-agency appeal process is designed to let the Department of Fish and Game and the State Water Board appeal the approval of a THP by the CDF decision maker to the BOF. This is the only process available for resolving conflicts resulting when the CDF decision-maker does not fully address the Review Team recommendations. The State Water Board's Administrative Procedures Manual includes a chapter setting forth the process the State and Regional Water Boards will use for filing such appeals (Attachment E). The Regional Water Board staff has the most direct knowledge on which to base an appeal, but only the State Water Board is legally authorized to file an appeal. The appeal must be filed within ten calendar days after the date of THP approval. This does not allow time for the Regional Water Board itself to approve filing of an appeal. The Administrative chapter provides seven days for the Regional Water Board staff to submit a proposed appeal to the State Water Board Executive Director. The schedule then allow three days for the State Water Board Executive Director to review the merits of the

recommended appeal, evaluate counter arguments, and make a decision as to whether or not the appeal should be filed. Since only ten calendar days are provided for appeal, this time period will include weekends and holidays.

Need for Intermediate Conflict Resolution Procedure

Another level of conflict resolution between a non-concurrence and a THP approval could: (1) address the issues raised when CDF's Review Team Chairman does not adopt the recommendations of a Review Team agency representative for a specific THP, and (2) minimize head-of-agency appeals. Managers of CDF and the non-concurring agency who are above the level of the Review Team Chairman and representative, respectively, could meet and confer to negotiate a mutually acceptable resolution to the conflict. The disadvantage to the timber industry would be that this procedure would add time to the public review period for those THPs where a non-concurrence was filed. However, it would reduce the possibility of head-of-agency appeals, which could then be reserved for policy issues that may affect THPs statewide.

Tier 2 and Tier 3 Nonpoint Source Regulation

Tier 2 non-point source regulation begins where management practices prescribed under the timber harvest review team process may not be protective of water quality, and the conflict resolution procedures of non-concurrence and head-of-agency appeals are not successful. The Regional Water Board staff is guided by the Basin Plan to require the discharger to submit technical and/or monitoring reports [WC 13267(b)] which the discharger will use to control nonpoint source pollution.

Tier 3 non-point source regulation begins where investigations indicate that the beneficial uses of water may be adversely affected by waste discharges, in which case the staff shall require the submission of Reports of Waste Discharge as mandated by the Basin Plan. Furthermore, when staff investigations reveal violations of the water quality objectives contained in the Basin Plan resulting in or threatening to result in unreasonable effects to the beneficial uses of the waters of the Region, the actions to be taken by the Executive Officer include the issuance of Cleanup and Abatement Orders and scheduling of hearings for Regional Water Board consideration of Cease and Desist Orders or Waste Discharge Requirements.

The progressive regulation process described above was last elevated to the adoption of waste discharge requirements in 1978. Eighty-five percent of the THPs submitted are modified with additional water quality protection measures. Five to fifteen percent of THPs would be subject to the progressive regulatory actions of non-concurrence, head-of-agency appeal, or independent actions of the Regional Water Board.

Recommendations to Improve the Timber Harvest Plan Review Team Process

Based on the conflicts identified above, staff recommends the following changes be made to the Forest Practice Act, Forest Practice Rules, and the administrative process by which they are implemented.

Standardization of Interpretation of Forest Practice Rules

CDF should develop an Administrative Procedures Manual to ensure consistent application and interpretation of the FPRs between its Ranger Units and Forest Practice Districts and between CDF and other Review Team agencies. This document would be amended, as application of the FPRs is refined through experience.

First Review Team Meeting

CDF should be required to forward to the THP submitter all information requests from the Review Team members that are germane to their statutory responsibilities.

Preharvest Inspection

If a Review Team agency representative cannot attend a preharvest inspection and presents written questions to be addressed during the preharvest inspection, CDF and/or the Registered Professional Forester (RPF) should be required to give substantive responses to such questions based on its preharvest inspection.

Review Team Recommendations

- (1) If the Regional Water Board staff representative presents substantial evidence that the THP as proposed will violate an applicable water quality control plan, the Review Team Chairman's recommendations should treat the issue as a significant environmental effect.
- (2) Review Team recommendations prepared by CDF's Review Team Chairman should be required to adopt the recommendations of the Review Team Agency representatives unless the issues raised by nonadoption are fully addressed in the document.
- (3) CDF's Review Team Chairman should be required to circulate Review Team recommendations to all interested parties.

Review Team Agency Non-concurrences

Where a Regional Water Board representative finds that a THP as recommended for approval by the CDF Review Team Chairman would cause or threaten to cause a violation of applicable Water Quality Control Plan requirements, the Regional Water Board representative's non-concurrence should: (a) contain a finding to that effect, and (b) support that finding with substantial evidence, including factual information and a good-faith reasoned analysis.

Intermediate Conflict Resolution

Where a Regional Water Board representative has filed a non-concurrence, CDF should be required to convene a meeting between CDF and Regional Water Board managers (above the level of the Review Team representatives), and the THP submitter to negotiate toward mutually

acceptable resolution of the interagency conflict. The THP submitter should be invited to present any additional evidence for consideration in the conflict resolution meetings.

Following completion of the conflict resolution meeting, CDF management, Regional Water Board management representatives and the THP submitter will identify the mutually acceptable THP water quality protection measures agreed upon at the meeting. If full agreement is not reached, then the areas of disagreement will be identified for elevated conflict resolution.

CDF Director's Determination

Following the second review team meeting and Review Team Chair Recommendations, the CDF decision maker should not consider any evidence provided by the THP submitter or RPF that substantially changes the Review Team Chairman's recommendations without first consulting with the appropriate Review Team Agency whose recommendations may be changed.

The Water Code requires CDF to achieve compliance with Water Quality Control requirements or policies adopted or approved by the State Water Board. Pursuant to the MAA and its management agency status, CDF must maintain a program which achieves compliance with Water Quality Control Plan requirements. In order to allow timely review of compliance with those requirements, the CDF decision maker should be required to notify the Regional Water Board by telephone or FAX or email immediately upon any decision to approve a THP which does not incorporate all water quality protection measures recommended or agreed upon by the Regional Water Board staff through the Review Team process.

Head-of-Agency Appeal

The Regional Water Board should be authorized to appeal CDF's approval of a THP directly to BOF, rather than having to go through the State Water Board. Further, the time allowed to file an appeal should be extended to 20 days. This additional time would allow time for further negotiations with the THP submitter and review by Water Board management. In conjunction with an intermediate conflict resolution procedure, the head-of-agency appeal should be reserved for issues that are policy related and have statewide significance.

Cumulative Watershed Effects Assessment

The current guidance in the FPRs (Technical Rule Addendum No. 2) has been found to be inadequate for CWE analysis in a recent report commissioned by the Resources Agency titled *Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat, June 1999*. Most recently, the University of California Committee on Cumulative Watershed Effects published a report entitled *The Scientific Basis for the Prediction of Cumulative Watershed Effects, June 2001*, which concluded that the current THP-by-THP analysis cannot adequately predict CWEs. Copies of both reports are in Attachment F. Both reports recommend that a watershed analysis program be developed and managed by the State independently of the THP review process and prescriptions and watershed goals would be available for THP development. Regional Water Board staff should continue to support CDF and BOF efforts to modify the FPRs to address CWEs and encourage the Resources Agency to develop a watershed analysis program independent of the THP review and approval process.

Recommendations for Improving THP Review Process and MAA

The recommendations for resolution of the conflicts described above can be implemented by changes at the local field level, policy changes at the agency management and regulatory changes at the Board level and some would require changes in the Forest Practice Act. These changes would strengthen the MAA and the Water Quality Management Plan for Non-federal Forested Lands.

1. Timber harvest division management staff meeting approximately every two months with CDF management staff to discuss problems that come to light during the THP review process. Where issues can not be resolved at this local level, staff will report to the Regional Water Board on unresolved issues.
2. The Regional Water Board direct the Executive Officer to request a meeting of the Liaison Committee as provided under D-14 of the MAA. The Liaison Committee is composed of the Chairpersons of the BOF and State Water Board, and the Director of CDF. The Director of the Department of Fish and Game is invited to serve with them. The Liaison Committee could provide direction on developing an intermediate conflict resolution between the non-concurrence and head-of-agency appeal process, the timber harvest review team process, TMDLs adopted by EPA, and development of and independent watershed analysis program.
3. Changes to the head-of-agency appeal process and support for a separate watershed analysis program would require legislative changes to the Forest Practices Act. These types of modifications would require the agencies to jointly develop and sponsor changes with the Legislature where needed.